



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Meeting Date: December 16, 2013

Reference Name	Muirfield Commercial (A1200015)		Review Jurisdiction	City
Applicant	Horvath Associates			
Proposed Future Land Use Map Amendment	From: Low-Medium Density Residential (4-8 Units/Acre) To: Commercial			
Site Characteristics	Tier:	Suburban		
	Present Use:	Vacant		
	Overlays:	Eno River Protected Area (E-B)		
	Size of Future Land Use Amendment:	1.85 acres		
	Size of Zoning Map Change:	2.95 acres		
Location	East side of Guess Road, north of Horton Road and south of Victory Boulevard			
PIN(s)	0824-03-11-1088 (in part)			
Recommendation	Staff	Approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments.		
	Planning Commission	Approval, October 8, 2013, 11-0, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments.		

A. Summary

The applicant, Horvath Associates, is proposing changes to the Future Land Use Map (FLUM) in order to bring the FLUM into consistency with a proposed zoning map change of the property. The site is located in the Suburban Tier on the east side of Guess Road, north of Horton Road and south of Victory Boulevard. The FLUM currently designates the parcel Low-Medium Density Residential (4-8 DU/ac.) and Recreation Open Space (ROS). The zoning map change associated with this Plan Amendment is case Z1200026.

B. Site History

The site was annexed by the City of Durham in 1994. The current zoning designation of Commercial Neighborhood with a development plan (CN(D)) was approved by City Council as a portion of zoning map change case P03-27 on September 15, 2003. At the time, a FLUM amendment was not required as part of the zoning map change.

C. Existing Site Conditions

The northern portion of the site has been cleared and the southern portion of the site left undisturbed along the stream (Warren Creek tributary), floodway and floodway fringe. A 100-foot Duke Power Easement runs through the southern portion of the site.

D. Applicant's Plan Amendment Justification

The applicant states that the proposed FLUM change would be consistent with a zoning map change approved by City Council in 2003, which designated the property Commercial Neighborhood (CN(D)). The applicant further contends that the proposed revision to the FLUM will establish a "better" transition to commercial uses on Guess Road. The applicant also states that the change will be "more compatible with existing multi-family development."

Staff does not agree that a change from Low-Medium Density Residential (4-8 DU/Ac.) to Commercial would create a "better" transition to commercial uses on Guess Road or that the change would be "more compatible with the existing multi-family development." However, the requested change is consistent with City Council direction in 2003, as established by the zoning map change of 2003.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject site is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed Plan Amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Table 1: Relevant *Comprehensive Plan* Objectives and Policies

Objective 2.2.2 Suburban Tier Development

Provide sufficient land in the Suburban Tier appropriately zoned for residential, commercial, institutional, office, research/research applications, and industrial purposes. The Suburban Tier shall include all land within the Urban Growth Area that is not included in the Urban, Compact Neighborhood or Downtown Tiers.

Policy 2.3.1b. Contiguous Development. *Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.*

The southern one-third of the property is designated Recreation/Open Space on the FLUM and is not part of this Plan Amendment request. Land to the north of the site is designated Institutional on the FLUM. The future land use of land east of the site is Low-Medium Density Residential.

The removal of 1.85 acres of residential land from the FLUM will not significantly diminish Durham's capacity to accommodate expected residential growth. The proposal is in line with City Council direction per the rezoning in 2003 to a commercial use on the site. The proposed Commercial designation is within a developed area of the City and therefore does not promote leapfrog, non-contiguous development.

Staff Conclusion: The proposed plan amendment is consistent with adopted plans and policies, thus meeting criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Single-family residential and a place of worship	Institutional
East	Residential (Townhouses) and vacant	Low-Medium Density Residential (4-8 DU/Ac.)
South	Recreation/Open Space, Commercial (a convenience store and a shopping center)	Recreation/Open Space, Commercial, and Medium Density Residential (6-12 DU/Ac.)
West	Vacant	Recreation/Open Space and Low Density Residential (4 DU. Ac. or less)

Existing Uses: The site of the proposed plan amendment is bordered on the north by a single-family residence and a place of worship, and on the east by townhouses. Floodplain lies directly south of the site. Located to the south of the floodplain are commercial uses on the west and east sides of Guess Road, consisting of a convenience store and a shopping center. An apartment complex is also located south of the site, on the west side of Guess Road.

Future Land Use Designations: Land to the north of the proposed plan amendment is designated Institutional. Land to the east is designated Low-Medium Density Residential. Lands to the west and are designated Recreation/Open Space and Low Density Residential, and to the southwest, land is designated Medium Density Residential. Land to the south of the site is Recreation/Open Space and Commercial. The Recreation/Open Space to the west of the site and to the south of the site is floodplain.

Analysis: The proposed designation of Commercial is compatible with existing land uses and designated future land uses, and serves as a reasonable transition between Institutional and Low Medium Density Residential to the north and east and Commercial to the south. Furthermore, the proposed FLUM change is consistent with City Council direction in 2003 to allow commercial uses on the property.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use pattern and designated future land uses in the area and, therefore, meets criterion 3.4.7B.

3. Adverse Impacts

Infrastructure:

A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a.*,

Infrastructure Capacity, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Analysis: The proposal is not estimated to change student generation since no residential exists nor is proposed. The proposal is estimated to increase water demand by 375 gallons per day and traffic generation by 133 trips per day. The existing infrastructure has available capacity to meet these needs.

Future Demand for Land Uses:

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future. The Durham Planning Department projects a need for approximately 5,050 acres of commercial land in Durham County by 2040. The FLUM currently designates approximately 6,100 acres as Commercial.

Staff Conclusion: The proposed plan amendment is unlikely to create adverse impacts in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7C.

4. Adequate Shape and Size

The area requested for amendment is approximately 1.85 acres in total, and is of sufficient shape and size for commercial development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7D.

F. Notification

- Croasdaile Farm Master Homeowners Association
- Friends of West Point Park
- Partners Against Crime – District 2
- Friends of Durham
- Inter-Neighborhood Council
- Unity in the Community for Progress

G. Recommendation

Staff finds there are circumstances to warrant amending the Future Land Use Map, and that the request meets the four criteria for plan amendments, and therefore recommends approval of the request.

Planning Commission recommended approval on October 8, 2013, 11-0, based on information provided in the staff report, the justification, and information heard at the public hearing, and meeting the criteria for plan amendments.

H. Staff Contact

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I. Attachments

Attachment 1, Proposed Future Land Use Amendment

Attachment 2, Area Context Map

Attachment 3, Aerial Map

Attachment 4, Applicant's Justification Statement

Attachment 5, Planning Commission Comments

Attachment 6, Resolution